

NATURAL AREAS ADVISORY COUNCIL MEETING

December 7, 2010
Environmental Laboratory
Richards and Robbins Building
Dover, DE 19901
9:00 a.m.

ATTENDANCE

Council Members:

John Williams, Chair
Jennifer Adkins
Dave Athey
Debbie Heaton
Dean E. Holden
Peter S. Martin
Michael Riska

Guests:

Ginger North

Staff:

Eileen Butler, Parks & Recreation, DNREC
Ron Vickers, Parks & Recreation, DNREC

I Call to Order/Announcements

Mr. Williams, Chairperson, called the Natural Areas Advisory Council meeting to order at 9:06 a.m. He welcomed Council members, visitors, and staff and asked for announcements. Mr. Williams introduced Ms. Ginger North, Associate Director for the Natural Resources Conservation Department of the Delaware Nature Society. Mr. Williams announced that this meeting would hold its Annual Council elections.

II Minutes of the September 21, 2010 Meeting

Mr. Williams asked for approval of the September 21, 2010 meeting minutes. Minutes were approved as read.

III. Old Business

- Nomination/Delisting Form: Discussions continued with the design of the form.
 - Staff agreed to make changes to clearly identify NOMINATION and/or DELISTING
 - Add footnote/caption explaining the meaning of Nomination/Delisting Natural Areas
 - The form will be a PDF or Word document to enable computer access
 - The form will be available on the DNREC/Natural Areas website

IV. Natural Areas Registry

- Christina River Natural Area
 - Christiana Fashion Center - Acierno Property - Ms. Butler discussed the possible future delisting of this parcel, depending on the quality of the freshwater marsh as a result of development directly upland. The development plan falls under the old code which recognizes Natural Areas, but no protections are afforded them. Ms. Butler plans to contact Landmark Engineering regarding concerns associated with storm water drainage.

- Frenchtown Woods Natural Area
 - 2892 Frenchtown Road – The landowner is pursuing the construction of a cell tower where high quality wet woods are located. The developer received a variance from the board of adjustment to locate a cell tower in a residential area. Ms. Butler continues to inquire as to the exact location of the cell tower due to the possible presence of rare species on the site. A majority of the site is within the Frenchtown Woods Natural Area.

V. Nature Preserve Dedications

- Sunset Lake, Christina River Natural Area – Mr. Vickers provided an overview of ownership patterns in and around Sunset Lake. Future discussion will occur regarding the potential for Nature Preserve dedication.
- Cape Henlopen State Park is next in line for dedication as a Nature Preserve in 2011 once a management plan is complete.

VI. Nature Preserve Management Issues

- Update on Management Plans: Eileen continues to wait for information from the enforcement section of Parks to complete both the Flint Woods and Fork Branch Nature Preserve Management Plans. Staff is currently working on the Pea Patch Island Management Plan, with Anglo Neck to follow.

VII. New Business

- Natural Areas Regulatory Hearing
 - the Hearing Officer began the hearing on time, and then waited 15 minutes for members of the public to arrive as no members of the public were present at the start of the hearing.
 - Chairman Williams was the only member of the public to attend the hearing and offered support regarding the regulatory changes on behalf of the Council.
 - All changes made to the regulation after publication in the State Register had to be brought forward at the hearing. The proposed changes were either grammatical or for increased clarity and none were considered substantive.
 - Lorraine Fleming's comments to the Department dated December 1, 2010 were submitted as part of the record. Most notably, Ms. Fleming was concerned with the delisting process.
 - The public comment period was closed at the end of the hearing.
 - Eileen will email the PowerPoint Hearing presentation to Council.
 - The Hearing Officer will prepare a final report. It is at this time the Department will respond to any questions put forth by the hearing officer related to Ms. Fleming's comments.
 - Once the report is final, it will be sent to DNREC Secretary, Collin O'Mara. The Secretary ultimately determines what wording and/or changes he wants. The Secretary will review, sign off, and send the final regulation to the State Register.
- Voting for Officers
 - Motion: Moved by Mr. John Williams to approve nominations for the 2011 Council Members. It was seconded and agreed, to approve the nomination of Mr. John Williams to a

second year as Chair person; Mr. David Athey as Vice Chair person; Ms. Jennifer Adkins to a second year as Secretary. Motion Carried. It was also agreed to send all draft minutes and documents to Ms. Adkins to utilize her position as appropriate.

VIII. Public Comment and Synopsis Reports From Other Councils, Stakeholders, and Partners

- John Williams said at the State Parks Council meeting a motion was passed not to put new a bike trail at White Clay Creek because of impacts to nesting bird species.
- John said State Parks Council discussed the disbandment of the PA/DE Bi-State Council effective end of December 2010. PA requested release.
- Jennifer Adkins: Christina Conservancy is working on a strategic plan and thought a future presentation about the Christina River Natural Area would be beneficial.
- Partnership for the Delaware Estuary will hold a three day Science and Environmental summit in Cape May starting January 30, 2011. The Summit is held every two years, and registration is open.
- Ginger North: The Delaware Nature Society is in the final stages of selling 82 acres of land to the Kennett Township Land Trust. The property is adjacent to the State's Auburn Heights Preserve. The Division will look to work collaboratively with the Land Trust on management issues.

IX. Next Meeting and Adjournment

- The dates for the 2011 Natural Areas Advisory Council meetings are as follows:
Tuesday, March 1, 2011
Tuesday, June 7, 2011
Tuesday, September 20, 2011
Tuesday, December 6, 2011
 - All 2011 Natural Area Council meetings to be held in DNREC's Environmental Laboratory, Dover, DE, starting 9:00 am.
 - John indicated that in accordance with the Council By-laws, members should not miss more than one meeting per year. However, if a member of the Council is unable to attend a meeting, please inform Eileen in advance. Eileen will email By-laws to Council.
- Mr. Williams asked for a motion to adjourn the meeting. Meeting adjourned at 10:26am.